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WPA 16568 OF 2024

Gita Rani Halder & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Mukteswar Maity
Ms. Manika Sarkar.

... For the Petitioners

Mr. Debnarayan Patra
Ms. Somashree Dey.

.... For the Respondents

Subject to filing of affidavit-of-service in course of the day, this order shall be effect.

Mr. Mukteswar Maity, learned advocate appears for the petitioners.

Mr. Debnarayan Patra, learned State advocate appears for the respondent nos. 1 to 7. He files a police report ***dated June 30, 2024***, issued under the seal and signature of the ***Officer-in-Charge, Deganga Police Station***, the same is taken on record.

The rest of the respondents including the Pradhan the concerned Panchayat and the private respondents are not represented. The law presumes that, they do not intend to defend this writ petition

The petitioners complain of an alleged illegal and unauthorized construction on the subject piece of land at

the behest of the private respondents. The petitioners submitted a representation dated **February 29, 2024, Annexure-P13 at page 77** to the writ petition before the Pradhan of the concerned Panchayat, the same has not been considered.

In view of the above the Pradhan of the concerned Panchayat is directed upon issuing a prior notice on the petitioners and the private respondents shall cause a physical inspection of the alleged unauthorized and illegal construction and then after giving them an opportunity of hearing shall decide the said representation dated **February 29, 2024** in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the Pradhan of the concerned Panchayat positively within a period of **six weeks** from the date of communication of this order. The Pradhan then shall communicate its reasoned order to the petitioners and the private respondents positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners mentioned in the said representation. The petitioners and the private respondents shall be at liberty to urge whatever points they wish to urge by relying upon whatever records and documents they wish to rely upon before the Pradhan of the concerned Panchayat but the same shall not travel

beyond the scope of the alleged unauthorized and illegal construction.

In the event, the reasoned order confirms the alleged unauthorized and illegal construction, the Pradhan of the concerned Panchayat positively within a period of **seven days** from the date of the communication of the said reasoned order to the parties shall transmit the same and refer the matter before the jurisdictional **Sub-Divisional Officer** in terms of **Sub Section (5) to Section 23** of the **West Bengal Panchayat Act, 1973**.

The jurisdictional **Sub-Divisional Officer** then shall take all necessary and consequential steps to give an immediate effect to the said reasoned order expeditiously without any delay, in accordance with law.

It is made clear that, this order shall not create any right or equity in favour of the petitioners, if the petitioners are not eligible to receive their claim in terms of the representation with regard to the alleged unauthorized and illegal construction.

The petitioners shall serve a copy of this order upon the jurisdictional **Block Development Officer** who shall ensure that, the direction of this Court is carried out and complied with by the Pradhan of the concerned Panchayat.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions this writ petition, **WPA 16568 of 2024** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)